

REMARKS

Claim 31 has been amended. New claim 35 has been added. Claims 31-35 are pending. Examination and allowance of the pending claims is respectfully requested.

Claims 31-34 stand rejected under the judicially created doctrine of double patenting as being unpatentable over claim 15 of USP 6,620,016 and claims 17-19 of Serial No. 10/693,157. Although Applicant does not agree with the double patenting rejections, Applicant is submitting herewith a Terminal Disclaimer to overcome this rejection.

Claims 31-32 stand rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,613,890 to DeMars ("DeMars '890"). This rejection is respectfully traversed.

Independent claim 31 has been amended to recite that the tubing *is not compressed* by the pressure roller when the trigger mechanism is not actuated. See page 11, lines 19-20 of the specification.

In contrast, **the tube 98 in FIG. 5 of DeMars '890 is always at least partially compressed by the rollers 94.** This is clearly shown in FIG. 5, and is supported by column 5, lines 19-20 and column 6, lines 24-36. Specifically, from column 5, lines 19-20 and column 6, lines 34-36, it is clear that rotation of the gear 90 will cause the rollers 94 to pinch off the tube 98, which causes liquid to flow through the tube 98. Since the only motion that can be experienced by the rollers 94 is a rotation motion (as per the specification), the rollers 94 must always partially compress the tube 98 (as shown in FIG. 5) if rotation of the rollers 94 is to create enough pressure to cause liquid to flow through the tube 98. Otherwise, if the rollers 94 were positioned such that they do not compress the tube 98 when the trigger is not actuated, merely rotating the rollers 94 alone (absent other movement of the rollers 94) would not compress the tube 98 when it is necessary to create enough pressure to cause liquid to flow through the tube 98.

In addition, the specification and drawings in DeMars '890 do not teach or remotely suggest positioning the rollers 94 such that they do not compress the tube 98 when the trigger is not actuated. In fact, when the disclosure of DeMars '890 is considered in its entirety, the only way in which the pump system in DeMars '890 can work is for the tube 98 to always be at least partially compressed by the rollers 94.

In light of the above, it is respectfully submitted that claim 31 is allowable over DeMars '890.

Thus, all pending claims are submitted to be allowable over the cited art. The Examiner is encouraged to telephone the undersigned if the Examiner has any amendments, ideas or suggestions that can be resolved in a phone conference to advance the prosecution and allowance of this case.

Respectfully Submitted,



Raymond Sun
Attorney for Applicant
12420 Woodhall Way
Tustin, CA 92782
Tel: 949-252-9180

Dated: July 22, 2005

CERTIFICATE OF MAILING

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: July 22, 2005

By:



Raymond Sun